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COMPANY: MAIL STOP – APPEAL BRIEF - PATENTS	**DATE:** December 4, 2007
FAX NO.: (571) 273-8300	**TOTAL NO. OF PAGES:** (including cover sheet) **7**
YOUR REFERENCE NO.: **10/068,444**	**OUR REFERENCE (C/M) NO.:** 003797.00212

Re: Reply Brief

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re U.S. Patent Application of Giovanni Della-Libera	) Attorney Docket No. 003797.00212
	)
	)
Application No. 10/068,444	) Group Art Unit: 2132
	)
Filed: February 6, 2002	) Examiner: Homayounmehr
	)
For: Virtual Distributed Security System	) Confirmation No. 9546

REPLY BRIEF

U.S. Patent and Trademark Office
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Sir:

This is a Reply Brief in accordance with 37 C.F.R. § 41.41 in reply to the Examiner's Answer mailed October 4, 2007.

Appellant hereby incorporates by reference all arguments set forth in the Appeal Brief in accordance with 37 C.F.R. § 41.37 in support of Appellants' Notice of Appeal. Appeal is taken from the Non-Final Office Action mailed October 13, 2006. In addition, Appellants respond herein as follows.

Please charge any necessary fees in connection with this Reply Brief to our Deposit Account No. 19-0733.

STATUS OF CLAIMS

Claims 1 – 21, 33 and 34 remain in the application. Claims 22-32 were withdrawn from consideration. All pending claims (1 – 21, 33 and 34) stand rejected. Applicant is appealing all pending claims (1 – 21, 33 and 34).

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GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 3, 5-19, 32 and 34 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,678,827 ("Rothermel").

Claims 4, 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rothermel as applied to Claim 1, and further in view of U.S. Patent No. 6,850,979 ("Saulpaugh").

ARGUMENT

The Examiner's Answer repeats several arguments brought forth during prosecution of the present application, including the assertion that Rothermel teaches the usage of a security policy across different platforms. The Examiner, however, now alleges that the recitation of different "platforms" in the rejected claims does not include different operating systems. Specifically, on page 18 of the Answer the Examiner "note[s] that [the] claims do not require combining different OSs." Applicants respectfully disagree with the Examiner's interpretation. Specifically, the claims as presented clearly demonstrate that the "operating platform' as recited in the rejected claims refers to an operating system. Specifically, claim 1 recites:

> a first computer device within the distributed security system operates on an <u>operating platform</u> that supports at least one security protocol that is different than a security protocol supported by a <u>platform</u> of at least a second computer device among the plurality of computer devices wherein the first and the second computer devices process data in accordance with the security policy of the distributed security system.

(emphasis added). First, as known to those skilled in the art, different operating system platforms support different security policies that need to interact with various components of the platform. Specifically, when amending independent claim 1 and adding independent claims 33 and 34 to recite the limitations having "an operating platform" terminology, Applicants stated the following:

> As discussed above, the Applicants respectfully submit there is no mention or suggestion in Rothermel of a security policy that is configurable to be simultaneously implemented for a plurality of computer devices within the distributed security system, wherein at least a first computer device within the distributed security system operates on an operating platform that supports at least one security protocol that is different than a security protocol supported by a platform of at least a second computer device among the plurality of computer devices. As one example in the Specification:
>
>> <u>Windows NT</u> operating systems has 32 defined permission rights. With the present invention, the administrator can define new rights by defining or editing a security policy. The secuirty policy may be capability based, i.e, an application may define a capability and virtual distributed security system 202 may provide that capability.

(Amendment and Response dated September 28, 2006, page 9 citing page 7, paragraph 27 of the Specification, emphasis added). Indeed, those skilled in the art readily appreciate that the term

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"platform" directly implicates the operating system, therefore, usage of different 'platforms" would change the operating system. Specifically, as provided in dictionaries specific to the art, the term "platform" is a reference to the operating system. As provided by the Microsoft Computer Dictionary:

> In everyday usage, the <u>type of computer or operating system being used.</u>

(Computer Dictionary, Third Edition, Microsoft Press, 1997, page 368, emphasis added).

As further elaborated by the Oxford Dictionary of Computing:

> A computer system whose hardware and software make it sufficiently different from all other computers <u>for it to be necessary to generate unique software versions for it. For instance, the Apple Macintosh, PC-Compatibles, and Sun SPARC-Stations are all different platforms.</u>

(Oxford Dictionary of Computing, Fourth Edition, Oxford University Press, 1996, page 371, emphasis added). Further, Whatis?com's Encyclopedia of Technology Terms expressly states:

> In computers, a platform is an underlying computer system on which application programs can run. <u>On personal computers, Windows 2000 and the Macintosh are examples of two different platforms.</u> On enterprise servers or mainframes, IBM's S/390 is an example of a platform.
>
> A platform consists of an operating system, the computer system's coordinating program, which in turn is built on the instruction set for a processor or microprocessor, the hardware that performs logic operations and manages data movement in the computer. The operating system must be designed to work with the particular processor's set of instructions. As an example, Microsoft's Windows 2000 is built to work with a series of microprocessors from the Intel Corporation that share the same or similar sets of instructions. There are usually other implied parts in any computer platform such as a motherboard and a data bus, but these parts have increasingly become modularized and standardized.
>
> Historically, most application programs have had to be written to run on a particular platform. Each platform provided a different application program interface for different system services. <u>Thus, a PC program would have to be written to run on the Windows platform and then again to run on the Macintosh platform.</u> Although these platform differences continue to exist and there will probably always be proprietary differences between them, new open or standards-conforming interfaces now allow many programs to run on different platforms or to interoperate with different platforms through mediating or "broker" programs.

(Whatis?com's Encyclopedia of Technology Terms, Que Publishing, 2002, page 546, emphasis added).

Thus, the limitation reciting an "operating platform that supports at least one security protocol that is different than a security protocol supported by a platform of at least a second computer device" would inherently have a different operating system. For at least the foregoing reasons, Appellants respectfully submit that the final rejection of claims 1-21 and 32 and 34 should be reversed.

Respectfully submitted.

Dated: December 4, 2007   By: _____

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